

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JOSEPH KEITH PITTMANN,

Case No. 6:19-cv-01958-CL

Plaintiff,

ORDER OF DISMISSAL

v.

OFFICER DANIEL BASARADA, et al.,

Defendants.

MCSHANE, District Judge:

Plaintiff filed this pro se civil rights action pursuant to 42 U.S.C. § 1983 and alleged that Officers Basarada and Fountain lacked probable cause to arrest or charge him.

On September 30, 2020, defendants moved to dismiss the case for lack of prosecution based on plaintiff's failure to attend his duly noticed deposition. Plaintiff did not respond to defendants' motion. On November 2, 2020, defendants moved for summary judgment on all claims, and this Court provided plaintiff with a Summary Judgment Advice Notice. Again, plaintiff did not respond to defendants' motion.

On December 28, 2020, mail sent to plaintiff by the Court was returned as undeliverable, and plaintiff's failure to update his address has continued for more than sixty days. *See* L.R. 83-12 ("When the Court sends mail to the last known address of an ... unrepresented party, and the postal service returns the mail as undeliverable because the ... party has failed to notify the Clerk of a changed address, and the failure to notify the Clerk of the change of an address continues for 60 days, then the Court may strike appropriate pleadings, enter a default, or dismiss the action.").

Plaintiff did not appear at his deposition, failed to respond to defendants' motions, and failed to notify the Court of an updated address. Plaintiff has effectively abandoned his lawsuit, and dismissal for failure to prosecute is warranted.

CONCLUSION

Defendants' Motion to Dismiss for Lack of Prosecution (ECF No. 29) is GRANTED and their Motion for Summary Judgment (ECF No. 31) is DENIED as moot. This action is DISMISSED.

DATED this 30th day of March, 2021.

s/ Michael J. McShane
MICHAEL J. MCSHANE
United States District Judge